

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Johnny Nilsen, Kieran Kelly,)
William Ryan, Karl Seemen,)
Sean Sharkey, Fernando Suazo,)
Don Abad, Charles Smith and,)
Paul McGee,)

Plaintiffs)

vs)

Civil Action

No.:03-12449MLW

Celestial Dawn, Inc. in)
persona and the F/V PROSPERITY,)
in rem)

Defendant)

REQUEST FOR DEFAULT UNDER RULE 55 OF THE
FEDERAL RULES OF CIVIL PROCEDURE

Now come the plaintiffs in the above-entitled action, and hereby respectfully move this Honorable Court, pursuant to Fed.R.Civ.P. 55, for judgment by default to be entered against the defendant for failure to appear and defend. As grounds therefore, the plaintiffs state as follows:

On January 10, 2004, Deputy Sheriff Stephen F. Hickey, from the Middlesex Sheriff's Office served the defendant, Celestial Dawn Fishing, Inc., c/o Michael Cadogan, 15 Homer Square, Somerville, Massachusetts, by delivering a copy of the Summons, Verified Complaint, Initial Disclosure of Plaintiffs in Accordance with F.R.C.P. 26(a)(1), Plaintiff's Request for Production of Documents and Things to Defendant, and Plaintiffs' Interrogatories to Defendants, at the above address. (Please see copy of Summons with Return of Service dated January 20, 2004 attached hereto as Exhibit "A.") To this date, plaintiff has not received an answer, nor has this Court granted, nor plaintiffs' counsel assented to an extension of time in which the defendant was to answer in accordance with Fed.R.Civ.P. 12. (See Affidavit of Brian S. McCormick attached hereto as Exhibit "B.")

The plaintiffs request that this Honorable Court issue a default against the defendant for failure to appear according